

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

_____)	JUDGE KEENAN
)	
IN RE: FOSAMAX)	
PRODUCTS LIABILITY LITIGATION)	
MDL No. 1789)	Plaintiff: <u>ELIZABETH FORSLING</u>
)	
_____)	SDNY Case No. 1:07-cv-07614

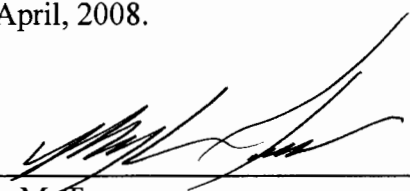
UNOPPOSED MOTION FOR SUBSTITUTION OF PARTIES

Mark W. Forsling, son of Elizabeth Forsling, by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 25, respectfully moves for the entry of an Order substituting himself, as Executor of the Estate of Elizabeth Forsling, deceased, as the Plaintiff in this action, and states as follows:

1. Counsel was noticed that during the pendency of this matter, on February 16, 2008, Plaintiff Elizabeth Forsling passed away.
2. Plaintiff's action did not extinguish upon her death. However, under the law of Plaintiff's resident state, only a Person Representative may sue or be sued on behalf of the Estate and its survivors.
3. On February 1, 2008, Mark W. Forsling, son of Elizabeth Forsling, was appointed as the Personal Representative of Ms. Forsling's estate by the Probate Court of Fulton County, Georgia (See Exhibit A).
4. If substituted as Plaintiff, Mark W. Forsling as Executor of the Estate of Elizabeth Forsling, will pursue this claim on behalf of the Estate and all of its survivors.
5. Undersigned counsel has conferred with counsel for Defendant and there is no opposition to this Motion.

WHEREFORE, counsel requests entry of an Order substituting Mark W. Forsling as Executor of the Estate of Elizabeth Forsling, deceased, for all purposes concerning further prosecution of this claim.

Respectfully submitted, this 17th day of April, 2008.



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GEORGIA PROBATE COURT
STANDARD FORM

STATE OF GEORGIA
COUNTY OF FULTON

ESTATE NUMBER: 209382

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

By Pinkie T. Toomer, Judge of the Probate Court of
said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the 1ST day of FEBRUARY, 2008, at a regular term of the Probate
Court, the last Will and Testament dated SEPTEMBER 15TH, 2003, of
ELIZABETH HINTON FORSLING deceased, at the time of HER death
a resident of said County, was legally proven in SOLEMN form and was admitted to record by
order, and it was further ordered that MARK WALDEMAR FORSLING
named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be
issued to such Executor(s).

NOW, THEREFORE, the said MARK WALDEMAR FORSLING
_____, having taken the oath of office and complied with all the
necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the
powers of Executor(s) under the Will of said deceased, according to the Will and the law, **including those
powers enumerated in O.C.G.A. §53-12-232.**

Given under my hand and official seal, the 1ST day of FEBRUARY, 2008.

Pinkie T. Toomer
Judge of the Probate Court

NOTE: The following must be signed if the judge does not
sign the original of this document:

Issued by:

(Seal)

Effie Flemister
Clerk, Probate Court Effie Flemister

Court Docketing Code W10 C.F. or W11 S.F.
Recorded in Letters of Testamentary Book 207 Page 313

Effective 7/87



CERTIFICATION OF COPY
This document consisting of 1 page(s)
is hereby certified to be a true copy of an original
document on file in the Probate Court of Fulton
County, Georgia. In witness whereof, I have hereto
set my official signature and affixed the seal of the
Probate Court, at the County and State aforesaid
On 2/1/2008
Effie Flemister
Clerk, Fulton County Probate Court